

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)

If you purchased Tyson chicken or chicken products sold in the United States as either “Raised Without Antibiotics” and/or “Raised Without Antibiotics That Impact Antibiotic Resistance in Humans” between June 19, 2007 and April 30, 2009, you could get a payment from a class action settlement.

(A federal court authorized this notice. It is not a solicitation from a lawyer.)

Your legal rights are affected whether or not you act. Please read this notice carefully.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | |
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| SUBMIT A CLAIM FORM POSTMARKED OR COMPLETED ONLINE BY JULY 6, 2010 | The only way to receive a payment or a coupon. |
| EXCLUDE YOURSELF FROM THE CLASS BY APRIL 19, 2010 | Receive no payment or a coupon. This is the only option that allows you to pursue claims alleged in the Lawsuit against Tyson by filing your own lawsuit at your own expense. |
| COMMENT BY APRIL 19, 2010 | Write to the Court about why you do, or do not, like the settlement. You must remain in the Settlement Class to comment in support of or in opposition to the settlement. |
| ATTEND A HEARING ON MAY 7, 2010 | Ask to speak to the Court about the fairness of the settlement. |
| DO NOTHING | Receive no payment, and give up rights to sue. |

- These rights and options, and the deadlines to exercise them, are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

QUESTIONS? CALL TOLL-FREE 1(800) 949-1890 OR VISIT WWW.CHICKENSETTLEMENT.COM

1. Why should I read this notice?

This notice is to inform you that on January 15, 2010, this Court preliminarily approved a settlement of a class action entitled *In Re: Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation* (the “Lawsuit”), brought on behalf of the Settlement Class. This notice describes the settlement. Please read this notice carefully to determine whether you wish to participate in the settlement. Your rights and options—**and the deadlines to exercise them**—are explained in this notice. Your legal rights are affected regardless of whether you act or not.

2. What is the Lawsuit about?

In 2007 and 2008, Tyson sold chicken products in the United States to retailers and distributors with a label stating either “Raised Without Antibiotics” or “Raised Without Antibiotics That Impact Antibiotic Resistance in Humans.” (As used in this notice, these labels are referred to in short-hand form as “RWA.”) These products include fresh, frozen, and deli chicken products, Cornish hens, and already-prepared convenience chicken products (*e.g.*, chicken tenders or nuggets).

In 2008, several class actions were filed throughout the United States contending that these representations regarding antibiotics were misleading. The class action complaints challenged Tyson’s claims that its chickens were raised without antibiotics or raised without antibiotics that impact antibiotic resistance in humans and alleged various theories of recovery, including violation of various states’ unfair and deceptive trade practices acts.

3. Why is there a settlement?

The Court has not decided in favor of either side in the case. Tyson denies all allegations of wrongdoing or liability against it and contends that its conduct was lawful. Tyson is settling to avoid the expense, inconvenience, and inherent risk of litigation, as well as the concomitant disruption of its business operations. Plaintiffs and their attorneys assert that the settlement is in the best interests of the Settlement Class, because it provides an appropriate recovery now while avoiding the risk, expense and delay of pursuing the case through trial and any appeals.

4. Who is included in the settlement?

The class covered by the settlement is defined as follows: **All persons who purchased Tyson chicken or chicken products sold in the United States as either “Raised Without Antibiotics” and/or “Raised Without Antibiotics That Impact Antibiotic Resistance in Humans” between June 19, 2007 and April 30, 2009 (the “Settlement Class”).**

Excluded from the Settlement Class are (a) Tyson and its parent companies, affiliates, subsidiaries, divisions, successors-in-interest, successors, predecessors-in-interest, predecessors, assigns, agents, employees, independent contractors, managers, officers, directors, attorneys, and other persons representing them or acting on their behalf; (b) any judge to whom the lawsuit was assigned and his or her immediate family; and (c) all persons who submit valid requests for exclusion from the Settlement Class.

5. What does the settlement provide?

Tyson will pay up to \$5 million (\$5,000,000) in cash and coupons for (i) valid claims submitted by Settlement Class members, (ii) notice to the Settlement Class, (iii) administrative costs of the settlement, and (iv) incentive awards to the Plaintiffs and Settlement Class members who provide deposition testimony, in an aggregate amount not to exceed \$20,000 ("Settlement Fund").

a. Cash Refunds. If you submit a claim postmarked or completed online at www.ChickenSettlement.com by July 6, 2010, you may be eligible to receive a cash refund of the price you paid for the Tyson chicken products covered by the settlement. If you provide adequate proof of purchase, you may be entitled to receive a cash refund of the purchase price up to a maximum of \$50 per household. If you cannot provide adequate proof of purchase but can confirm certain facts under oath regarding your Tyson chicken purchases, you may be entitled to receive a refund of the purchase price up to a maximum of \$10 per household. "Adequate proof of purchase" means a cash register receipt or other documentation of the purchase. The settlement sets aside fifty percent (50%) of the amount available for distribution to the Settlement Class to pay claims for households that submit adequate proof of purchase, and sets aside twenty-five percent (25%) of the amount available for distribution to the Settlement Class to pay claims for households that do not have adequate proof of purchase but submit claims with details regarding their Tyson chicken purchases.

b. Coupons. Instead of a possible cash refund, you can submit a claim to receive one coupon per household for up to \$5 off the purchase price of any Tyson product. To receive a coupon, you need to provide your name and contact information, and declare under penalty of perjury: "On at least one or more occasions, I purchased a Tyson Chicken Product labeled 'Raised Without Antibiotics' or 'Raised Without Antibiotics That Impact Antibiotic Resistance in Humans.'" You can submit your claim by going to www.ChickenSettlement.com or by requesting a claim form from the Settlement Administrator. You must submit your claim for a coupon by July 6, 2010. Twenty-five percent (25%) of the amount available for distribution to the Settlement Class shall be set aside to pay claims for claimants who request coupons.

If, after deducting the amounts incurred for class notice, administrative costs and incentive awards, the amount in cash and coupons available to pay valid claims is *less than* the total amount of valid claims submitted, then the amount paid to each Settlement Class member who submitted a valid claim for each group shall be reduced pro rata, so the total payments made in cash and coupons shall not exceed \$5 million. If the amount available for a group *exceeds* the claims made by that group, the left-over money from that group will be added to the amounts available for the other groups.

c. Food Bank Donations. If the total amount of valid claims, notice costs, administrative costs, and incentive awards totals *less than* \$5 million, Tyson shall donate Tyson food products to food banks to make up the difference so that the total payments in cash, coupons and the value of the in-kind food bank donations equals \$5 million.

6. Who represents the Settlement Class?

a. Class Representatives. For purposes of the settlement, the Court has appointed the following Plaintiffs named in the Lawsuit to serve as the class representatives: Lisa Baxley, Mary Cutsail, Andrea Dannell Johnson, and Mary F. Wilson.

b. Settlement Class Counsel. The Court has appointed the following attorneys and law firms to represent the Settlement Class as legal counsel: James P. Ulwick, Kramon & Graham PA; A.J. De Bartolomeo, Girard Gibbs LLP; Gary B. Friedman, Friedman Law Group LLP; Scott E. Poynter, Emerson

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Poynter LLP; and James Pizzirusso, Hausfeld LLP. From the inception of the litigation in early 2008 to the present, Settlement Class counsel have not received any payment for their services in prosecuting the case or obtaining the settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. When they ask the Court to approve the settlement, Settlement Class counsel will also make a motion to the Court for an award of attorneys' fees and reimbursement of expenses, in a total amount not to exceed \$3 million. Tyson has agreed not to oppose this attorney's fee request. If the Court approves the attorneys' fee application, it will be paid separately by Tyson. The Settlement Class members will not have to pay anything toward the fees or expenses of Settlement Class counsel. Settlement Class counsel will seek final approval of the settlement on behalf of all Settlement Class members. You may hire your own lawyer to represent you in this case if you wish, but it will be at your own expense.

7. How can I exclude myself from the Settlement Class?

To exclude yourself from the Settlement Class, you must send a letter saying that you want to be excluded from the class in the *In Re: Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation*. Your exclusion request must include your name, address, telephone number, signature, and a signed statement to the effect that: "I/We hereby request to be excluded from the proposed Settlement Class in the RWA Litigation." Your exclusion request must be received at the following address no later than April 19, 2010: Tyson RWA Settlement c/o The Garden City Group, Inc., P.O. Box 9588, Dublin, OH 43017-4888.

If you elect to opt-out, you will (i) not be able to submit a claim to receive a refund or coupon, (ii) not be bound by any further orders or judgments in this case, and (iii) remain able to pursue claims alleged in the Lawsuit against Tyson by filing your own lawsuit at your own expense. If you proceed on an individual basis, you may receive more, or less, of a benefit than you would otherwise receive under this settlement.

8. How can I tell the Court what I think about the settlement?

If you do not exclude yourself from the Settlement Class, you can comment in support of or in opposition to the settlement. Your objection or comment must be submitted in writing to all three (3) of the following addresses and must be received by April 19, 2010:

Clerk of the Court

Clerk of the Court
United States District Court for
the District of Maryland
(Northern Division)
101 W. Lombard Street
Baltimore, MD 21201

Settlement Class Counsel

A.J. De Bartolomeo
Girard Gibbs LLP
601 California St., 14th Floor
San Francisco, CA 94108

Tyson's Counsel

Michael W. Davis
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603

The objection or comment must include the caption *In Re: Tyson Foods, Inc. Chicken Raised Without Antibiotics Consumer Litigation*, Case No. 1:08-md-01982-RDB and (a) the Settlement Class member's full name and current address; (b) a signed statement that he or she is a member of the Settlement Class, including evidence of adequate proof of purchase or, if none is available, a statement under oath that the consumer has no adequate proof of purchase and that he or she purchased a Tyson product subject to the settlement; (c) the specific grounds for the objection; (d) all documents or writings that the Settlement Class member wants the Court to consider; and (e) a notice of intention to appear (if any). "Adequate proof of purchase" means a cash register receipt or other documentation of the purchase. The Court will consider all comments from class members. If you intend to appear at the Fairness Hearing through counsel, your

comment must also state the identity of all attorneys representing you who will appear at the Fairness Hearing. To appeal from any provision of the order approving the Settlement as fair, reasonable, and adequate, the award of incentive payments, or the award of reasonable attorneys' fees and expenses paid by Tyson and awarded to Plaintiffs' counsel, you must appear in person or through your counsel, or seek leave of Court excusing such appearance prior to the Fairness Hearing, or as otherwise may be permitted by the Court at the Fairness Hearing. (You may, however, ask the Court in your objection to excuse such appearance prior to the Fairness Hearing.)

If you do not submit a written comment on the proposed settlement or the application of Plaintiffs' counsel for incentive awards and attorneys' fees and expenses in accordance with the deadline and procedure set forth above, and you are not granted relief from these requirements by the Court, you will waive your right to be heard at the Fairness Hearing.

9. What is the effect of final settlement approval?

If the Court grants final approval of the settlement, all members of the Settlement Class will release all claims or causes of action arising from or relating to the claims that were or could have been asserted in the Lawsuit; the facts or events alleged in the Lawsuit; or any label, advertising, marketing, or other statements made to Plaintiffs or the class regarding Tyson's representations concerning chicken that was "Raised Without Antibiotics" or "Raised Without Antibiotics That Impact Antibiotic Resistance in Humans." Whether you consider the settlement favorable or unfavorable, any and all members of the Settlement Class who do not exclude themselves from the Settlement Class will not be permitted to continue to assert released claims in any other litigation against Tyson or other persons and entities covered by the release. Please refer to Paragraphs 8 and 10.A. of the Settlement Agreement for a full description of the claims and persons that will be released upon final approval of the settlement. You can obtain a copy of the Settlement Agreement from the Clerk of the Court, online at www.ChickenSettlement.com, or by writing to the RWA Settlement Administrator at Tyson RWA Settlement, c/o The Garden City Group, Inc., P.O. Box 9588, Dublin, OH 43017-4888. If you do not wish to be a Settlement Class member, you must exclude yourself from the Settlement Class (see Question No. 7, above).

If the settlement is not approved, the case will proceed as if no settlement had been attempted. There can be no assurance that if the settlement is not approved and litigation resumes, the Settlement Class will recover more than is provided for under the settlement, or will recover anything.

10. When and where will the Court hold a hearing on the fairness of the settlement?

A Fairness Hearing has been set for May 7, 2010, at 10 a.m., before Judge Richard D. Bennett in his courtroom at the United States District Court for the District of Maryland (Northern Division), 101 W. Lombard Street, Baltimore, MD 21201. At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed settlement, including the amount requested by Settlement Class Counsel for attorneys' fees and expenses and incentive awards for the Plaintiffs and class members who were deposed in this litigation. You do not need to attend this hearing. You also do not need to attend to have a comment or objection considered by the Court.

11. Do I have to come to the Fairness Hearing? May I speak at the hearing?

You do not need to attend the Fairness Hearing to remain a class member or obtain a settlement payment. You or your own lawyer may attend the hearing if you wish, at your own expense.

If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning the proposed settlement or the application of Settlement Class counsel for attorneys' fees and expenses. To do so, you must send in a letter saying that you intend to appear at the Fairness Hearing in *In Re: Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation*, Case No. 1:08-md-01982-RDB. The letter must state the position you intend to present at the hearing, the identity of all attorneys who will represent you, and include your name, address, telephone number, and signature. You must mail your notice to the Clerk of the Court, Settlement Class counsel, and Tyson's counsel at the three addresses listed under Question No. 8 above, and it **must be received no later than April 19, 2010**.

12. How do I receive my share of the settlement?

If you do not exclude yourself from the Settlement Class, and would like to receive money, you must submit a timely and valid claim form as set forth in Question No. 5 above. **Claim forms must be submitted online or postmarked by July 6, 2010.** You can download a copy of the appropriate claim form online at www.ChickenSettlement.com, or by writing to the RWA Settlement Administrator at: Tyson RWA Settlement, c/o the Garden City Group, Inc., P.O. Box 9588, Dublin OH 43017-4888.

If you wish to receive a coupon rather than cash, you should go to www.ChickenSettlement.com and follow the directions set forth there.

13. What happens if I do nothing at all?

If you do nothing at all, you will receive no payment from the settlement. You will still be part of the Settlement Class, however, and, subject to the release described in Paragraphs 8 and 10.A. of the Settlement Agreement. This means you will not be permitted to continue to assert released claims in any other litigation against Tyson or other persons and entities covered by the release. Please refer to Paragraphs 8 and 10.A. of the Settlement Agreement for a full description of the claims and persons that will be released upon final approval of the settlement.

14. Where do I get additional information?

This notice provides only a summary of the matters relating to the settlement. For more detailed information, you may wish to review the Settlement Agreement dated January 12, 2010. You can view the Settlement Agreement and get more information at www.ChickenSettlement.com. You can also get more information by calling toll-free 1 (800) 949-1890. The Settlement Agreement and all other pleadings and papers filed in the Lawsuit are available for inspection and copying during regular business hours at the office of the Clerk of the United States District Court for the District of Maryland (Northern Division), at 101 W. Lombard Street, Baltimore, MD 21201.

If you would like additional information, you can write to Settlement Class Counsel at the address listed in Question No. 8.

PLEASE DO NOT CONTACT THE COURT OR TYSON WITH QUESTIONS ABOUT THE SETTLEMENT.